

TOOMER ELECTRICAL COMPANY, INC.,

AGBCA No. 2006-133-2

Appellant

Representing the Appellant:

Michael Broussard, Project Estimator

Toomer Electrical Company, Inc.

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Representing the Government:

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ORDER OF THE BOARD OF CONTRACT APPEALS

March 17, 2006

Opinion for the Board by Administrative Judge VERGILIO.

On February 9, 2006, the Board received a notice of appeal from Toomer Electrical Company, Inc. (contractor) of Baton Rouge, Louisiana. The underlying firm, fixed-price contract (number AG-447U-C-05-0066) with the U. S. Department of Agriculture, Forest Service (Government), involved the Caney Lakes Recreation Area Electrical Upgrade Project, in the Caney Ranger District, Kisatchie National Forest, Webster Parish, Louisiana. The contractor appeals the decision of the contracting officer denying a request for a price increase said to result from hurricane Katrina. The contractor seeks to recover its increased material cost (\$8,982.26), having agreed to drop the request for taxes, overhead, and profit.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). The contractor elected small claims procedures. Following an initial telephone conference with the presiding judge and parties, the Government provided the contract. Another telephone conference further focused upon the terms of the contract, and the impact of a Government-requested delay in performance.

As detailed in letters from each party dated March 16, 2006, the parties have settled this dispute. The contractor is accepting a Government-issued change order in the amount of \$8,982.26, in full resolution of this dispute. The matter may be dismissed with prejudice, given the resolution.

DECISION

This appeal is dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

March 17, 2006